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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,392	03/28/2001	Ronald S. Kubick	85CF-00125	3350

23465 7590 02/22/2007  
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EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/681,392	<b>Applicant(s)</b> KUBICK ET AL.	
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on November 16, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-48, 50-56, 62 and 63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-48, 50-56, and 62-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Summary**

On July 17, 2006, an Office Action was sent to the Applicant rejecting claims 1-61. On November 16, 2006, the Applicant responded by amending claims 1-2, 4, 7-8, 14-15, 23, 30, 44, 48, and 50-51, adding new claims 62-63, and canceling claims 3, 49, and 57-61.

### ***Claim Rejections - 35 USC § 101***

The rejection set forth in the previous Office Action has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-48, 50-56, and 62-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Tealdi (2001/0029482).

Tealdi discloses a method and corresponding system, database, apparatus, and computer program medium for online approval and settlement comprising conducting due diligence comprising conducting due diligence for a business transaction, storing transactional data in the database, the transactional data including data required to complete a specific type of business transaction, inputting into the computer a specific

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type of business transaction to be completed, automatically identifying data to be used collected during the due diligence to generate at least each standard documentation file to complete the inputted business transaction, each standard documentation file includes a plurality of documents associated with at least one part of the business transaction, automatically identifying at least one data collector to collect the identified data, wherein the identified data to be collected and the at least one identified data collector are identified based on the type of business transaction inputted into the computer and the transactional data stored in the database, receiving the identified data from the at least one identified data collector, storing the collected data in the database, and generating at least each standard documentation file as part of the due diligence to complete the inputted business transaction including automatically assembling each document included within each standard documentation file using the collected data stored in the database (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); identifying a time for collection of the identified data (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); storing the data in a database (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); evaluating the effectiveness of collection of the identified data (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); evaluating the effectiveness of collection comprises the step of determining a percentage of completion of the standard documentation file (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); the percentage of completion is determined according to  $(\text{number of items collected} / \text{number of total item collected}) * 100$  (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); receiving the identified data from data collected during at least one phase of the due diligence wherein the

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phases of the due diligence including customer origination, auditing and underwriting and approval (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); generating at least one of a pre-closing credit file and a legal documentation file (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); transferring at least one standard documentation file to external deal teams (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); step of evaluating the effectiveness of collection of the identified data comprises the step of determining at least one of a percent of data passed between underwriting and legal, a percent of usable data provided by underwriting and approval and a present percent of completeness of the standard documentation file after each stage of due diligence (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); percent of data passed between underwriting and approval and legal is calculated according to (actual number of items in the standard documentation file divided by an expected number of items in the standard documentation file\* 100 (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); percent of usable data provided by underwriting and approval is calculated according to (an actual number of accurate documentation items divided by an expected number of documentation items) \* 100 (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); receiving the identified data comprises the step of receiving the identified data via at least one of the Internet and an Intranet (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); a due diligence checklist (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); server is configured to receive and store the data from data collected during one of customer origination, auditing and underwriting and approval (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); at least one of data corresponding to at least one identified collector, data

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corresponding to a time for collection of identified data for a standard documentation file, and data corresponding to the standard documentation file (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); data corresponding to the standard documentation file comprises data associating a pre-closing file with an audit report, data regarding accounts receivable aging and data relating to a top ten customers by sales volume (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); step of inputting into the computer a specific type of business transaction further comprises the step of inputting into the computer a specific type of business transaction to be completed wherein the business transaction includes at least one of purchasing or selling an operating business, purchasing or selling a portfolio of assets, and providing financing for purchasing an operating business or a portfolio of assets (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152); and the business transaction includes at least one of purchasing or selling an operating business, purchasing or selling a portfolio of assets, and providing financing for purchasing an operating business or a portfolio of assets (p.9, 130 to p.10, 138 and p.10, 143 to p.11, 152).

***Provisional Application Listed on PTO-892 form***

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in

accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-48, 50-56, and 62-63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3691